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**From:** Faeth, Lisa

**Sent:** Tue 8/1/2017 2:36:21 PM

**Subject:** News Articles (For EPA Distribution Only)

## BNA DAILY ENVIRONMENT REPORT ARTICLES

### No Sexual Harassment Policy Violations Found at EPA Region 5



#### Snapshot

- EPA Region 5 process for addressing complaints “adhere to established agency policies and meet federal requirements”
- Republican lawmakers blasted Chicago office for fostering hostile workplace environment

By Tiffany Stecker

The EPA inspector general exonerated the agency's Region 5 office from accusations that its managers mishandled sexual harassment allegations, after House lawmakers requested an internal investigation.

The Chicago-based office's policies and practices for addressing sexual misconduct complaints meet the Environmental Protection Agency's policies and procedures and federal requirements, the Office of Inspector General report finds.

“This audit did not identify any problems requiring corrective actions,” Inspector General Arthur Elkins told Acting Region 5 Administrator Robert Kaplan in a letter accompanying the report.

The office, one of 10 EPA regional headquarters, oversees federal environmental compliance in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. The region's management came under fire two years ago after the House Oversight and Government Reform Committee held a hearing on the matter, in which former employees testified that managers ignored reports of sexual misconduct and threatened retaliation.

Former Committee Chairman Jason Chaffetz (R-Utah) and Ranking Member Elijah Cummings (D-Md.) asked the inspector general to begin the investigation in September 2015.

The committee didn't immediately respond to Bloomberg BNA's request for comment on the conclusion of the report.

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For More Information

The EPA Inspector General report on sexual misconduct in the Region 5 office is here:  
<http://src.bna.com/reB>

### **Webinar: TSCA Hot Topics**



Bloomberg BNA and Bergeson & Campbell PC present a free webinar, “TSCA Hot Topics: Inventory Reset and Strategies for Complying, and Update on Section 5,” with a panel of former EPA officials and seasoned regulatory professionals discussing how to prepare for TSCA Inventory Reset deadlines and an update on the agency's progress regarding the pre-manufacture notification decision backlog. Bergeson & Campbell speakers include managing partner Lynn Bergeson; Charles M. Auer, senior regulatory and policy adviser; and Richard E. Engler, senior chemist; along with Jeffery Morris, director of the Office of Pollution Prevention and Toxics at the Environmental Protection Agency. The webinar is Aug. 2, from noon to 1:30 p.m. More information is available at <https://www.bna.com/tsc-hot-topics-m73014461608/>.

### **INSIDEEPA.COM ARTICLES**

#### **Environmentalists Raise Concerns Over EPA's TSCA Scoping Documents**

Several environmental groups are questioning multiple aspects of EPA's efforts to launch its new risk evaluation program for existing chemicals under the Toxic Substances Control Act (TSCA), and in a new letter are pressing EPA officials for reassurances that its first 10 risk evaluations will comply with the law's intent.

#### **Lawsuit Claims Trump's Infrastructure Advisory Panel Violates FACA**

Environmentalists in a new lawsuit claim that President Donald Trump's executive order (E.O.)

establishing an advisory council on environmental policy and infrastructure violates the Federal Advisory Committee Act (FACA), saying it is part of the administration's pattern of disregarding transparency mandates for advisory councils.

### **Industry Sectors Split Over EPA Formaldehyde Emissions Standard Rule**

Industry sectors affected by EPA regulation of formaldehyde emissions from pressed wood products are split in their reaction to the agency's latest direct final rule to alter or delay the emissions standards, with a consumer electronics association seeking another extension of compliance deadlines while other industry groups support the rule.

## **GREENWIRE ARTICLES**

### **EPA Chicago office properly handled harassment complaints — IG**

U.S. EPA's Region 5 office in Chicago stuck to the rulebook when handling sexual harassment allegations made by its employees.

That's what the EPA inspector general found in its audit of how Region 5 processed complaints over the past several years.

### **EPA Contractors may be not ready for cyberattacks — IG**

U.S. EPA's inspector general said the agency's contractors may be unprepared for cyberattacks.

In a report released today, the internal watchdog said the agency was "unaware" of whether its information technology contractors had the training to protect data and computer networks from breaches.

### **History could be reversed at EPA's one-room museum**

U.S. EPA's future is certainly changing under Administrator Scott Pruitt, but now the past might be changing, as well.

The EPA museum, a one-room exhibit commissioned by former Administrator Gina McCarthy, highlights the agency's work on climate change and other issues over the past 40 years

## CHEMICAL WATCH ARTICLES

### Science advisers question California AA guidance lack of specificity

SCP programme eyes PFASs in upholstery, nail salon chemicals

1 August 2017 / Alternatives assessment & substitution, United States



Several members of an advisory group to California's Department of Toxic Substances Control (DTSC) agree with industry representatives that guidance for conducting alternatives analysis under the Safer Consumer Products (SCP) programme lacks specificity.

Members of the Green Ribbon Science Panel (GRSP) – which met 17 and 18 July – also expressed concern that the AA process will run up against legal issues. But others argued that making the requirements too specific could stifle the innovative thinking the programme is meant to foster.

The GRSP provides technical expertise and recommendations on chemicals policy – including the SCP – with members from industry, NGOs and regulatory agencies, as well as academia.

Under the SCP, manufacturers of products designated by the agency as priority products must develop an alternatives analysis (AA). Completed analyses will inform the DTSC's regulatory response. A final version of guidance for completing an AA was released in June.

But as manufacturers gear up for the first round of AAs, GRSP members echoed industry concerns that the DTSC's guidance may be too open-ended.

"Is it a quasi permitting process or a regulatory process or just a reflective process that gets people to think about it?" asked Timothy Malloy, a professor at the UCLA School of Law. "I would like to know what it's going to be before I write mine."

"Can DTSC give metrics of the volume they are seeking?" asked Michael Caringello, director of regulatory affairs at SC Johnson. "This person sent me 400 pages, this person sent me two, how am I going to evaluate them?"

He suggested the agency come up with a specified format for first-stage AA submissions and part of that submission could describe the "second-stage format" the company plans to use.

Helen Holder, head of the global environmental materials team at Hewlett-Packard, described a project she worked on where an open-ended process was by necessity amended to a uniform one. "It paid off a hundredfold," she said, as review time for submissions "went from weeks to hours."

"Tell people what they need to do it right," said Jack Linard, head of personal care regulatory affairs at Unilever. "Do I need a toxicologist, a microbiologist, a formulator?"

UCLA's Mr Malloy added the DTSC will eventually have to explain how to weight the relative importance of human health and environmental impacts.

But other panel members said more specific requirements will further discourage creativity.

The guidance says AAs should not be limited to chemical alternatives, said Kelly Moran, president of TDC Environmental. "It is hard for me to picture how that translates into an actual requirement where DTSC rejects an analysis if it includes only chemical alternatives."

### **Business concerns**

Mr Linard raised the issue of patents. "If I see the obvious alternative is something that has been patented, what am I expected to do? ... I would like to use it but I can't. Does this end up favouring the company with the patent?"

Mr Malloy also flagged up situations where there is a known safer alternative that, for whatever reason, a company is unable to use. "You have admitted there are safer alternatives out there. It's ripe for a lawsuit," said the professor.

Mr Caringello also questioned whether the DTSC would inform the marketplace if one company comes up with a particularly good alternative – even if it may cost that company a competitive advantage.

"When I hear 'get everyone in a room,' I cringe because I think about antitrust," Mr Linard added.

Meredith Williams, deputy director of the SCP programme, acknowledged the concerns around competitive advantage, but said "if someone comes to us with a great alternative we can't pretend it didn't happen."

"This programme is disruptive," said Dr Williams. "There is going to be someone who comes to us, who has thought out of the box, and it is going to cause market disruption. We simply cannot act as if we don't know."

### **Priority products**

The first priority product was formally designated this month: children's sleeping items containing the flame retardants TDCPP or TCEP. The designation was effective 1 July, and manufacturers have 60 days from that date to register with the department and begin the analysis to determine if a safer alternative is possible.

"We will be monitoring that closely in next couple of weeks to see that those who should be notifying have done so," Karl Palmer, SCP branch manager, told the GRSP.

The public comment period on the second priority product – spray polyurethane foam (SPF) containing MDI – ended on 6 June. Regulations to list paint strippers containing methylene chloride are also under development.

Mr Palmer said the next product in line is likely to be perfluoroalkyl and polyfluoroalkyl substances (PFASs) in carpets and upholstery, or chemicals used in nail salons. Both were subject of workshops earlier this year.

A workshop was also held on triclosan, but Mr Palmer said "we put that on the back burner because it may be taken care of" by federal action.

He said the DTSC is also evaluating whether lead acid batteries fit into the framework.

## **Related Articles**

- [Industry calls for more clarity in California alternatives analysis guide](#)
- [California to start priority products rulemaking, early next year](#)
- [California releases alternatives analysis guide for SCP programme](#)
- [California designates first priority product under SCP programme](#)
- [Industry speaks out against California spray polyurethane foam proposal](#)
- [US FDA bans 19 substances from antibacterial soaps](#)

## **Dutch firm appeals against Echa decision on disodium molybdate**

1 August 2017 / Data, Europe

Chemicals producer, Climax Molybdenum, has asked Echa's Board of Appeal (BoA) to annul an agency ruling that requested further data on the substance disodium molybdate under a REACH compliance check.

The Dutch company was asked to submit a prenatal developmental toxicity study by 20 March 2018.

Its registration dossier already contains such a study but Echa claims that it does not meet OECD testing guidelines.

Climax Molybendum disagrees and wants the existing study to be accepted as valid in its dossier, as per the OECD mutual acceptance of data (MAD) scheme. The agency was wrong to say it does not meet OECD guideline specifications, the company says.

And it erred in requesting a higher dose for the new test, which would cause excessive toxicity and sacrifice too many animals, it claims.

Disodium molybdate is commonly used in anti-freeze products, heat transfer fluids, fertilisers and water treatment chemicals.

**Further Information:**

- [Appeal announcement](#)

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## **OTHER ARTICLES**

### **Crackdown on 'cancer risk' soccer pitches: Rubber used in 3G surfaces facing Europe-wide ban ...**

Daily Mail

The black granules give a more realistic bounce but are made of old car tyres and contain toxic chemicals including mercury, lead, benzene and ...

### **Artificial pitches: Europe to consider ban after cancer fear**

The Sunday Post

The fears come from the fact the substance contains a number of toxic chemicals such as polycyclic aromatic hydrocarbons, mercury, lead and arsenic ...